

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mercep, et al.

Serial No.: 10/587,823 Examiner: Jarrell, N.

Filing Date: 20 Dec 2006 Art Unit: 1624

For: USE OF BENZONAPHTHOAZULENES FOR THE MANUFACTURE OF PHARMACEUTICAL FORMULATIONS FOR THE TREATMENT AND PREVENTION OF CENTRAL NERVOUS SYSTEM DISEASES AND DISORDERS

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This paper is submitted in response to the Restriction Requirement electronically dated September 8, 2008.

The Office has required restriction among the pending claims as follows:

Group I, claims(s) 1-15, drawn to a method of using a compound of formula I where variable X is O and variable A or B forms a 1,2,3,4-tetrahydronaphthalene or naphthalene ring with the benzene ring to which it is fused.

Group II, claims(s) 1-15, drawn to a method of using a compound of formula I where variable X is S and variable A or B forms a 1,2,3,4-tetrahydronaphthalene or naphthalene ring with the benzene ring to which it is fused.

Group III, claims(s) 1-15, drawn to a method of using a compound of formula I not covered by groups I-II.

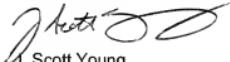
Applicant elects without traverse Group I. Applicants reserve the right to file one or more divisional applications to the non-elected subject matter.

The Office has also required election of species of active ingredient represented in the instant specification. Applicant elects dimethyl-[3-(10-oxa-3-thia-benzo[e]naphtho[1,2-h]azulene-2-ylmethoxy)-propyl]-amine, found on page 14 of the specification. All claims encompass the elected species.

Conclusion

Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392. The Examiner is invited to contact the undersigned at (919) 483-8160, to discuss this case, if desired.

Respectfully submitted,



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Date: October 1 2008
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